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10/552,687	10/11/2005	Berhard Giers	AP 10671	3848	
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Craig Hallach	er	SCHWARTZ, CHRISTOPHER P			
Continental To One Continent		ART UNIT	PAPER NUMBER		
Auburn Hills,	MI 48326	3683			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application No.	Applicant(s)		
10/552,687	GIERS, BERHARD		
Examiner	Art Unit		
Christopher P. Schwartz	3683		

Christopher P. Schwartz 3683	Office Action Summary	Examiner	Art Unit						
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In owe wint, towewer, may a ripsy be timely find. - If No prefet or reply is specified above, the measurem statistory prior du apply and will expert SK(9) MONTIS from the maining date of this communication. - Failure to reply which the set or extended period for reply will be yabilated, cause the application to biscorne ABANCORED (35 U.S.C, § 133). Any reply secure by the first above the first maining date of this communication, even if timely filled, may reduce any secured paties form welpoteness. Set 37 CFR 1.794(b). Status 1)		Christopher P. Schwartz	3683						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CPR 1.136(a). In no event, mover, may a reply be timely filed - If NO period for reply is specified above, the maximum shallutory period will apply and will expire SIX (e) MONTHS from the mains did not of the property of the Critical above, the maximum shallutory period will apply and will expire SIX (e) MONTHS from the mains of the of this communication. - If NO period for reply is specified above, the maximum shallutory period will apply and will expire SIX (e) MONTHS from the mains of the office of this communication Failure to reply within the set or estimated period for reply will by shafes, cause the application become planNONED (36 U.S.C. § 133) Any reply received by the Office later than there months after the mailing date of this communication, even if timely filed, may reduce any sound and the communication This action is FINAL. 2 by This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 6-10 is/are pending in the application. 4) Claim(s) 6-10 is/are pending in the application. 4) Claim(s) 6-10 is/are rejected Claim(s) 6-10 is/are rejected Claim(s) 6-10 is/are rejected Claim(s) 6-10 is/are rejected Claim(s) 6-10 is/are objected to by the Examiner Olimication Papers 9) The specification is objected to by the Examiner Olimication Papers 9) All by Claim(s) 6-10 is/are objected to by the Examiner. Note the attached Office Action or form PTO-15	The MAILING DATE of this communication appears on the cover sheet with the correspondence address								
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Application/Control Number: 10/552,687

Art Unit: 3683

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement has been received and considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

 Claims 8- rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8 the limitation "... the pressure required to execute a parking brake operation is built up more slowly in the wheel brakes associated with the second axle than is the case with an actuation of the operating element over a long period of time. Specifically, the comparison between the first and second operations is not understood.

Claim Rejections - 35 USC § 103

- The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over of WO 02/090159 (WO '159) for which U.S. Publication to Kley et al. '481 is relied upon for a translation in view of Kubota '414

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Regarding claims 6-10 WO '159 teaches a brake system that is used for holding a vehicle on an incline by metering the pressure into the wheel brakes.

Lacking in WO '159 is a specific reference to driving the pump so that the pressure increase gradient is kept to a minimum during parking situations.

Kubota discloses a brake system capable of controlling a pump for the optimum rate of change of brake cylinder pressure.

It is notoriously well known in the art that pump noise due to rapid pressure increase requirements can often be irritating to the vehicle driver and therefore a problem to be avoided.

Therefore, one having ordinary skill in the art would have found it obvious to have controlled the pressure increase gradient of the pump of WO '159 to the brake cylinders to be kept to a minimum level (as could be dictated by the degree of incline of the hill) when stopping, or parking, the vehicle of WO '159 on a hill-- or to limit the amount of pump noise.

Conclusion

- 6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. <u>Please review the references to Harris and Ohkubo et al. and</u> <u>Itoh et al.</u>
- Any inquiry concerning this communication or earlier communications from the
 examiner should be directed to Christopher P. Schwartz whose telephone number is
 571-272-7123. The examiner can normally be reached on M-F 10:30-7:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Christopher P. Schwartz/ Primary Examiner, Art Unit 3683